

REMARKS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed September 22, 2004. Claims 1, 4, 10-11, 13-14, 16, and 18 were rejected. Claims 2-3, 5-9, 12, 15, and 17-20 were objected to. The Examiner's indication of allowable subject matter in claims 2-3, 5-9, and 17-19, if rewritten in independent form, is acknowledged with appreciation. The claims have been amended to address the concerns raised by the Examiner.

Claims 1-20 were originally presented. By this amendment, claims 2 and 15 have been canceled, without prejudice. Claims 1, 5, 14, and 17 have been amended. Claims 1, 3-14, and 16-20 remain in the application. New claims 21 and 22 have been added. No new matter has been added.

New Claims

New claim 21 presents subject matter comparable to that of claim 17, in dependent form with respect to claim 20. New claim 22 presents subject matter comparable to that of claim 6, in dependent form with respect to claim 14.

Discrepancies in the Office Action

The Applicant makes note of some discrepancies between the Office Action Summary and the Detailed Action. The Office Action Summary indicated that claims 2, 3, 5-9, 12, 15, 17, 19, and 20 were objected to. However, the Detailed Action only indicated that claims 2-3, 5-9, and 17-19 were objected to. Claims 12, 15 and 20 were not specifically mentioned in the Detailed Action. For purposes of this response, the Applicant presumes that the indication in the Office Action Summary is correct, and that the Examiner considers claims 12, 15 and 20 to be allowable if rewritten in independent form, etc.

Additionally, the Applicant notes that claim 20 as originally presented is in independent form, and presumes that the Examiner intended to allow claim 20 as written, given that no rejection of that claim is provided in the Detailed Action.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 10-11, 13-14, and 16 (including independent claims 1 and 14) were rejected under 35 U.S.C. § 103 as being unpatentable over Park (US 6,318,274) in view of Clejan (US 3,285,194). In accordance with the Examiner's indication of allowable subject matter, independent claims 1 and 14 have been amended. Specifically, claim 1 has been amended to include the subject matter of former claim 2, and claim 14 has been amended to include the subject matter of former claim 15. The Examiner indicated that claims 2 and 15 are allowable. Accordingly, the Applicant respectfully submits that independent claims 1 and 14 are now allowable, and claims 3-13 and 16-19 are allowable as being dependent upon an allowable base claim. The Applicant therefore urges the Examiner to withdraw the rejection.

Double Patenting

Claims 1 and 4 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of copending Application No. 10/225,225. The Applicant respectfully submits that claims 1 and 3 of the cited copending application do not teach or suggest each element of claim 1. First, the claims of copending Application No. 10/225,225 do not teach or suggest a guideway, having "a plurality of rider access portals disposed in a side of the guideway." The portals in the copending application are configured for access of vehicles, not riders. Riders are people, not vehicles. Second, the copending application does not disclose "autonomous vehicles having rider entry doors configured to align with the rider access portals." Alignment of vehicle and guideway doors is not an issue in the prior application. Third, the copending application does not teach or suggest vehicles stopping in the guideway to "allow the riders to enter the vehicle when the autonomous vehicle stops in the guideway adjacent to a rider access portal."

The amendments to claim 1, being derived from a claim which the Examiner has indicated to be allowable, further distinguish it from claims 1 and 3 of the copending application. For at least these reasons, the Applicant respectfully submits that claim 1 is not obvious in view of copending Application No. 10/225,225, and requests that this rejection be withdrawn.

Claims 14, 16, and 18 were also provisionally rejected under the judicially created

doctrine of obviousness-type double patenting as being unpatentable over the claims of Application No. 10/225,225 in view of Park (US 6,318,274). The Applicant respectfully submits that copending Application No. 10/225,225 and Park, when combined, do not teach or suggest each element of claim 14. Neither the copending application nor Park teach or suggest “a plurality of selectively actuatable rider access portals, disposed along [a] guideway adjacent to [a] transition lane, configured to allow ingress and egress of riders to the autonomous vehicles in the guideway.” The copending application discloses vehicle access portals, and Park shows rider terminals at terminal ends of branch guideways. Park does not teach or suggest vehicles stopping in the guideway. Instead, the vehicles leave the guideway before stopping.

The amendments to claim 14, being derived from a claim which the Examiner has indicated to be allowable, further distinguish it from the copending application and Park. For at least these reasons, the Applicant respectfully submits that claim 14 is not obvious over copending Application No. 10/225,225 in view of Park, and requests that this rejection be withdrawn.

Other Amendments

Claims 5 and 17 were amended to clarify that the portals claimed therein are “vehicle access portals,” so as to distinguish these portals from the “rider access portals” recited in the parent claims.

CONCLUSION

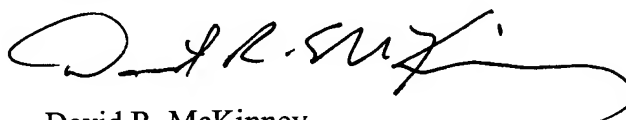
In light of the above, Applicant respectfully submits that pending claims 1, 3-14, and 16-22 are now in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Amendment, the Examiner is strongly encouraged to call David R. McKinney at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Two (2) claims were added (claims 21, 22), while two (2) claims were canceled (claims 2, 15). Therefore, no additional fee is due.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 13th day of December, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. R. McKinney", with a long, sweeping horizontal line extending to the right.

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